

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MD IBRAHIM KHALIL,
#221087867,
Petitioner,

v.

**US IMMIGRATION AND CUSTOMS
ENFORCEMENT,**

Respondent.

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Civil Action No. **3:25-CV-512-L-BW**

ORDER

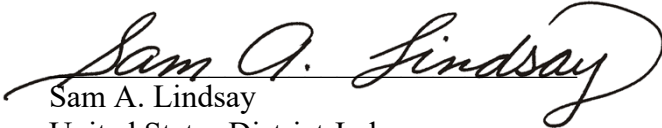
On May 29, 2025, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 5) was entered, recommending that the court **dismiss without prejudice** this habeas action. No objections to the Report have been filed, and the 14-day period to object after service of the Report has passed. *See* Fed. R. Civ. P. 72(b)(1)(2); 28 U.S.C. § 636(b)(1)(C). For the reasons stated herein, the court **accepts** the Report.

On February 28, 2025, Petitioner Md Ibrahim Khalil (“Petitioner” or “Mr. Khalil”) filed a document that the court construes as a Petition for Habeas Relief (“Petition”) (Doc. 3). Because Petitioner’s Petition was filed incorrectly, Magistrate Judge Brian McKay entered a Notice of Deficiency Order (Doc. 4) on January 27, 2025, and ordered Petitioner to cure the deficiencies identified and pay the filing fee or an application to proceed in forma pauperis within 30 days of the entry of the order. *See* Doc. 4. The magistrate judge warned Mr. Khalil that failure to comply could result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b). Report 2 (citing Doc. 4 at 2). As of the date the Report was filed, eight weeks had passed since the deadline set by the magistrate judge in the Notice of Deficiency Order. *Id.*

Because it has been more than 30 days since the entry of the magistrate judge's Notice of Deficiency and Order (Doc. 4), the magistrate judge recommends that the court dismiss this action without prejudice for failure to prosecute or comply with court orders. Report 3. Having considered the Report, Petition, and record, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses without prejudice** this action, pursuant to Rule 41(b), as a result of Petitioner's failure to prosecute and comply with a court order.

A certificate of appealability is not required to appeal the denial of relief under 28 U.S.C. § 2241. *Padilla v. United States*, 416 F. 424, 425 (5th Cir. 2005). In the event Petitioner files a notice of appeal, he must pay the \$605 appellate filing fee or submit a motion to proceed *in forma pauperis* and a properly signed certificate of inmate trust account.

It is so ordered this 24th day of June, 2025.


Sam A. Lindsay
United States District Judge